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Practitioner's Docket No. 57139-5045

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshihide ITEYA

Application No.: 09/785,026
Filed: February 15, 2001Group No.: 3682
Examiner: Julie K. SmithMail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 10-0440, shown on the statement dated April 2004, for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
Extension for Response within First Month Fee Code 1251	\$110.00
TOTAL REFUND REQUESTED	\$110.00

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, 703-308-6778.

Signature

Bobbie-Jean Corbin

(type or print name of person certifying)

Date: 6-14-04

Adjustment date: 07/13/2004 EEKUBAY1
04/08/2004 GJOHNSON 00000001 100440 09785026
01 FC:1251 110.00 CR

Request for Refund (Improper Charge of Deposit Account)--page 1 of 2

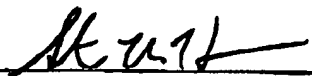
3217246v1

BEST AVAILABLE COPY**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

In the Advisory Action, dated March 5, 2004 (enclosed), the Examiner set the period for replying to the Final Rejection 4 months from the mailing date of the Final Rejection, which was November 20, 2003. Therefore, a response was due on March 20, 2004. A Notice of Appeal was filed in response to the Advisory Action on March 19, 2004. No extension of time was requested nor was necessary since the Notice of Appeal was timely filed within the initial 4 months allotted for reply.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 10-0440.

Date: 6/14/04

Steven R. Hansen
Registration No. 39,214
JEFFER, MANGELS, BUTLER &
MARMARO LLP
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067
310-203-8080
Customer No. 24574



**United States
Patent and
Trademark Office**

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2004 JUN 14 11 00 01

Deposit Account Statement

Requested Statement Month: April 2004
Deposit Account Number: 100440
Name: JEFFER MANGELS BUTLER & MARMARO
Attention: MARIA VALMONTE
Address: 2121 AVENUE OF THE STARS
City: LOS ANGELES
State: CA
Zip: 90067-5010

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/02	1	09785026	57139-5045	1251	\$110.00	\$9,521.50
04/02	14	2088507		6206	\$100.00	\$9,421.50
04/02	15	2088507		6206	\$200.00	\$9,221.50
04/05	6	E-REPLENISHMENT		9203	-\$670.00	\$9,891.50
04/06	527	78396714	60982-1203	7001	\$335.00	\$9,556.50
04/06	528	78396715	60982-1204	7001	\$335.00	\$9,221.50
04/07	286	PCT/US03/27762	63894-7001	1705	\$14.00	\$9,207.50
04/12	189	1829471		6205	\$100.00	\$9,107.50
04/12	190	1829471		6201	\$400.00	\$8,707.50
04/13	3	78229325		6001	\$1,340.00	\$7,367.50
04/15	6	PAYMENT		9203	-\$4,600.00	\$11,967.50
04/16	11	E-REPLENISHMENT		9203	-\$335.00	\$12,302.50
04/15	1397	78402420	61713-1094	7001	\$335.00	\$11,967.50
04/21	22	75811888	60634-1002	6005	\$100.00	\$11,867.50
04/21	129	PCT/US04/11633	64098-7001	1703	\$90.00	\$11,777.50
04/21	131	PCT/US04/11633	64098-7001	8007	\$40.00	\$11,737.50
04/22	7	E-REPLENISHMENT		9203	-\$335.00	\$12,072.50
04/28	246	75568739		8521	\$40.00	\$12,032.50
04/30	458	78410629	63722-1010	7001	\$335.00	\$11,697.50
START BALANCE			SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
\$9,631.50			\$3,874.00	\$5,940.00	\$11,697.50	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,026	02/15/2001	Yoshihide Itoya	57139-5045	3020

24574 7590 03/05/2004
 JEFFER, MANGELS, BUTLER & MARMARO, LLP
 1900 AVENUE OF THE STARS, 7TH FLOOR
 LOS ANGELES, CA 90067

EXAMINER	
SMITH, JULIE KNECHT	

ART UNIT	PAPER NUMBER
3682	

RECEIVED

MAR 9 2004

CLIENT SERVICES DEPT.
 JEFFER, MANGELS & BUTLER MARMARO

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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CALENDARED
 No of Appeal 1st Ext Dec 3-2004
 MAR 10 2004
 FINAL Ntz of Appeal Dec 5-2004
 Jeffer, Mangels, Butler & Marmaro LLP
 By Oh

JUN-14-2004 15:36

Jeffer Mangels 6th #21

1 310 203 0280

P.06

Advisory Action

Application No.

09/785,026

Applicant(s)

ITEYA, YOSHIHIDE

Examiner

Julie K Smith

Art Unit

3682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
 2. ☐ The proposed amendment(s) will not be entered because:
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ they raise the issue of new matter (see Note below);
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
 NOTE: _____
 3. ☐ Applicant's reply has overcome the following rejection(s): _____.
 4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1, 3-27

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
 10. ☐ Other: _____

DAVID A. BUCCI
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2000

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JUN 14 11:13:21

June 14, 2004

Company	Facsimile	Telephone
U.S. Patent & Trademark Office	(703) 308-6778	

From: Steven R. Hansen**Client #:** 57139-5045 **Client Name:** Shimano Inc.

Total number of pages (including this page): 6. If you do not receive this number of pages, please contact our FAX operator at (310) 201-3528.

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